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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,415	09/27/2004	Roland N. Walker	12160.4	8436

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,415	WALKER ET AL.	
	Examiner	Art Unit	
	Daniel J. Colilla	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed on.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8, 9, 10, 16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fromm (US 5,435,240) in view of Skonecki (US 5,305,550), Reinhardt et al. (US 4,957,787), Hirata (JP 59-016801) and Roulleau (US 5,142,976).

With respect to claims 1 and 16, Fromm discloses the claimed system or method for providing an image on an article but does not disclose providing the image on a flower. Fromm discloses a system and method for providing an image on an organic product including the steps of creating an image on a transfer medium 36, transferring the image onto a flexible organic product such as skin or leather (Fromm, col. 4, lines 57-61, col. 5, lines 2-5). Skonecki, Reinhardt et al., Hirata, and Roulleau teach that it is known and desirable to print on delicate articles such as flowers, artificial flowers, Leaves of a plant and eggs respectively. In view of the teachings of the prior art, it would have been obvious to one of ordinary skill in the art to provide an image on a flower using the system or method disclosed by Fromm for the advantage of applying a brand name, advertising or adding personal messages to the flower.

With respect to claim 2, Fromm discloses the claimed method for providing an image except for the step of creating an image on a cliché. Fromm discloses creating a first image on a sheet 32 by applying ink to the sheet 32, lifting at least a portion of ink from the sheet 32 to form a second image on the transfer medium 36 as mentioned above. Roulleau teaches creating

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an image creating a first image on a cliché (Rouleau, col. 1, lines 39-40), applying ink to the cliché (Rouleau, col. 1, lines 40-41), and lifting at least a portion of the ink from the cliché to form a second image, wherein the second image is the image created on the transfer medium (Rouleau, col. 1, lines 42-46). It would have been obvious to substitute the sheet 32 disclosed by Fromm with the cliché taught by Skonecki, Reinhardt *et al.*, Hirata and Rouleau for the advantage of using provided artwork (the image on the cliché) instead of needing to create one's own artwork, and thus reducing the amount of time to complete the process.

With respect to claim 3, Fromm discloses placing transfer medium 36 in contact with the sheet 32 and removing the transfer medium 36 from the sheet 32 (Fromm, col. 4, lines 52-59). Similarly, Rouleau teaches placing the transfer medium in contact with the cliché; and removing the transfer medium from the cliché (Rouleau, col. 1, lines 43-46).

With respect to claim 4, Rouleau teaches removing excess ink applied to the cliché (Rouleau, col. 1, lines 40-43).

With respect to claim 8, Fromm discloses allowing the image to set. Note setting occurs when the image is transferred to the final surface.

With respect to claims 9 and 17, Skonecki teaches printing on a flower (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fromm to print on a flower so that the user can print a personalized message or drawing on one of its petals as taught by Skonecki. Additionally, with respect to the limitation of providing an image on a group of flowers," repeating an identical step on an identical article to achieve an identical result is an obvious modification that one of ordinary skill in the art would perform to achieve the same advantages as that of the first performance of the step.

With respect to claim 10, Fromm discloses that the image can be a picture or design of a flower as shown in Figure 3 of Fromm or the picture can be a character as mentioned in col. 4, lines 36-37 of Fromm.

With respect to claim 18, Skonecki teaches a system wherein the portion is a petal (See Figure 1).

3. Claims 5-7 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fromm (US 5,435,240) in view of Skonecki (US 5,305,550), Reinhardt et al. (US 4,957,787), Hirata (JP 59-016801) and Roulleau (US 5,142,976), as applied to claims 2 and 16 above, and further in view of Lampinski (US 6,314,880).

With respect to claim 5, Fromm in view of Skonecki, Reinhardt *et al.*, Hirata and Roulleau teaches all that is claimed as discussed above except for the step for creating a first image comprises the step for etching the first image into the cliché. Lampinski teaches the step for creating a first image comprises the step for etching the first image into the cliché (Lampinski, col. 3, lines 40-62 and col. 4, lines 67- col. 5, line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fromm in view of Skonecki, Reinhardt *et al.*, Hirata and Roulleau such that the first image is created by etching it into the cliché to produce a high quality image on a plate as taught by Lampinski.

With respect to claim 6, Fromm in view of Skonecki, Reinhardt *et al.*, Hirata and Roulleau teaches all that is claimed as discussed above except for the cliché comprising a photosensitive material. Lampinski teaches a method wherein the cliché comprises a photosensitive material (Lampinski, col. 5, lines 37-40. It would have been obvious to one

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having ordinary skill in the art at the time the invention was made to modify Fromm in view of Skonecki, Reinhardt *et al.*, Hirata and Roulleau such that the cliché comprises a photosensitive material so that the cliché can polymerize under the action of radiation as taught by Lampinski.

With respect to claim 7, Fromm in view of Skonecki, Reinhardt *et al.*, Hirata and Roulleau teaches all that is claimed except for the step for etching comprising the steps for: providing a third image; creating a film positive of the third image; and exposing the photosensitive material through a wash out process to etch the third image into the photosensitive material. Lampinski teaches a method wherein step for etching comprises the steps for: providing a third image (Examiner notes that Lampinski teaches creating multiple images; creating a film positive of the third image; and exposing the photosensitive material through a wash out process to etch the third image into the photosensitive material (Lampinski, col. 3, lines 41-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fromm in view of Skonecki, Reinhardt *et al.*, Hirata and Roulleau wherein the etching comprises providing a third image, creating a film positive of the third image, and exposing the photosensitive material through a wash out process to etch the third image into the photosensitive material to create images with a variety of colors using an etching technique combined with pad printing as taught by Lampinski.

With respect to claim 19, Roulleau teaches a cliché including an engraved image that is at least partially filled with ink to place the image on the portion of the transfer medium (Roulleau, col. 1, lines 39-44). It would have been obvious to substitute the sheet 32 disclosed by Fromm with the cliché taught by Roulleau for the advantage of using provided artwork (the image on the cliché) instead of needing to create one's own artwork, and thus reducing the amount of time to

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complete the process. Lampinski teaches an etched image on the cliché (Lampinski, col. 4, lines 67-col. 5, line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fromm to include an etched image to produce a high quality image on a plate as taught by Lampinski.

With respect to claim 20, Fromm discloses that the transfer medium 36 is a pad.

Response to Arguments

4. Applicant's arguments filed 3/3/06 have been fully considered but they are not persuasive of any error in the above rejection.

In response to applicant's argument that the previous rejection does not disclose printing on delicate objects such as flowers, the above modification to the rejection has been made.

Additional references have been provided in the rejection to show that pad printing on delicate or fragile articles is well-known in the art, and as previously noted, Skonecki teaches printing on flowers. Thus the combination of pad printing on flowers would have been obvious.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Colilla whose telephone number is 571-272-2157. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 15, 2006



Daniel J. Colilla
Primary Examiner
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